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In re Application of	:	
OYAMA, Makoto et al.	:	
Application No.: 10/596,040	:	DECISION ON
PCT No.: PCT/JP2003/015284	:	
Int. Filing Date: 28 November 2003	:	PETITION
Priority Date: None	:	
Attorney Docket No.: 09657/0204349-US0	:	UNDER 37 CFR 1.182
For: CORRECTIVE CLOTHES WITH	:	
CROTCH	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 12 April 2007.

**BACKGROUND**

On 28 November 2003, applicant filed international application PCT/JP2003/015284. A copy of the international application was transmitted to the Office by the International Bureau on 09 June 2005. The deadline for entry into the national stage in the United States is midnight 28 May 2006.

On 25 May 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee and a declaration of the inventors.

On 18 January 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration of the inventors listed a different last name for one of the inventors and that an explanation or a new oath or declaration was required.

On 12 April 2007, applicant submitted a declaration of the inventors, accompanied by a petition under 37 CFR 1.182, accompanied by the fee for a one month extension of time.

**DISCUSSION**

The fee for a petition under 37 CFR 1.182 is \$400, not \$130. The balance of the petition fee will be charged to deposit account no. 04-0100, as authorized. The international application lists the second inventor as "Atsuko Misaki," but the declaration lists and is executed by "Atsuko Kawamura."

Applicant has supplied a statement signed by Atsuko Kawamura stating that her name changed subsequent to her marriage. This is adequate explanation.

The surcharge for late filing of the search fee, examination fee or oath or declaration is not required as the declaration complies with 37 CFR 1.497(a)-(b) and was submitted prior to 30 months from the priority date. The \$130 surcharge will be refunded to deposit account no. 04-0100.

### **CONCLUSION**

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371 (c)(1), (c)(2) and (c)(4) date of 25 May 2006.

/Erin P. Thomson/

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